

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOE HAND PROMOTIONS, INC.,

Plaintiff,

-v-

DELVIS BATISTA et al.,

Defendants.
----- X

20-CV-6460 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff Joe Hand Promotions, Inc. seeks to hold Defendants Delvis Batista and Hudson Heights Bar & Grill, d/b/a Bar 180, liable under sections 553 and 605 of the Federal Communications Act, 47 U.S.C. § 151 *et seq.* Dkt. 1; *see* Dkt. 34 at 10 & n.1. On January 12, 2021, this Court held a hearing on Plaintiff’s motion for default judgment at which it entered a judgment on liability as to all claims in the Complaint, Dkt. 21, and referred this case to the Honorable Sarah L. Cave for an inquest into damages, Dkt. 26. By Order dated July 23, 2021, Judge Cave issued a Report and Recommendation, recommending that Plaintiff’s motion for default judgment be granted and a default judgment be entered awarding Plaintiff statutory damages in the amount of \$6,700.00, enhanced damages in the amount of \$20,100.00, attorneys’ fees in the amount of \$930.00, and costs in the amount of \$545.00. Dkt. 34.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no

objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Dkt. 34 at 25. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601, 604-05 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court ADOPTS the Report and Recommendation in its entirety.

SO ORDERED.

Dated: August 27, 2021
New York, New York



JOHN P. CRONAN
United States District Judge